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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,399	10/09/2001	Mooi Choo Chuah	Chuah 57-15	6092
7590	03/19/2004		EXAMINER	
DAVID J. GASKEY CARLSON, GASKEY & OLDS, PC 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			NGUYEN, JOSEPH D	
			ART UNIT	PAPER NUMBER
			2683	
DATE MAILED: 03/19/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/973,399	CHUAH ET AL.
	Examiner Joseph D Nguyen	Art Unit 2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 October 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 October 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 4/1/23/02.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, and 4-5 are rejected under 35 U.S.C. 102(a) as being anticipated by Moelard (EP 0 851 633 A2).

Regarding claim 1, Moelard discloses a method of switching (handoff) between a previous base station (first access point) and a new base station (second access point) in a wireless communications system (abstract, fig. 1-2, col. 4 line 50 thru col. 5 line 8), said method comprising the steps of:

a) sending signals indicating to said wireless communications system the identity of said new base station from which the wireless unit selected to receive downlink data (abstract, fig. 1-2, col. 4 line 50 thru col. 5 line 8, and col. 6 line 53 thru col. 7 line 48);

b) waiting for an indication to switch to said new base station receiving downlink (from base station to mobile station) data from said previous base station until said indication (when old access point sends a standard disassociate message to MS 122

which means it indicates the MS can switch to new AP (base station)) (abstract, fig. 2, col. 6 line 53 thru col. 7 line 48); and

c) switching to said new base station after said indication to switch to said new base station (abstract, fig. 1-2, and col. 7 lines 50-53).

Regarding claim 4. Moelard further discloses the method of claim 1 wherein said step of receiving comprises the step of: receiving downlink data from said previous base station until an indication from said previous base station that data for said wireless unit at said previous data has been sent (abstract, fig. 1-2, col. 4 lines 2-16, and col. 6 line 53 thru col. 7 line 52).

Regarding claim 5, Moelard further discloses the method of claim 1 wherein said step of receiving comprises the step of: receiving downlink data from said previous base station until an indication from said previous base station that data is being forwarded to said new base station (abstract, fig. 1-2, col. 4 lines 2-16, and col. 6 line 53 thru col. 7 line 52).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moelard (EP 0 851 633 A2) in view of Wiberg et al. (6,628,946).

Regarding claim 2, Moelard further discloses the method of claim 1 wherein said step of sending comprising the step of: sending base station identification information on an uplink frequency channel associated with a downlink data channel carrying said downlink data to said previous base station (abstract, fig. 2, col. 6 line 53 thru col. 8 line 54). However, Moelard does not specifically disclose sending base station identification information on an uplink control channel.

Wiberg et al. teaches sending base station identification information on an uplink control channel associated with a downlink data channel carrying said downlink data to said previous base station (fig. 1, 10, col. 3 lines 24-49, and col. 6 line 1 thru col. 7 line 61). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the Moelard system with the teaching of Wiberg et al. of sending information on an uplink control channel to previous base station in order to perform the handover with improve delay time.

Regarding claim 3, Wiberg et al. further discloses the method of claim 2 wherein said step of sending comprises the step of: sending said base station information and downlink data rate information on said uplink control channel to said previous base station (col. 6 line 1 thru col. 7 line 61). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the Moelard system with

the teaching of Wiberg et al. of sending information and data rate to previous base station in order to ensure handover with high quality communication service.

Regarding claim 6, Moelard further discloses the method of claim 1 wherein said step of switching includes: switching to new base station (col. 7 lines 50-52). However, Moelard does not specifically disclose switching a channelization code associated with said new base station.

Wiberg et al. teaches switching a channelization code associated with said new base station (col. 5 line 34 thru col. 7 line 61). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the Moelard system with the teaching of Wiberg et al. of switching a channelization code associated with said new base station in order to ensure handover with high quality communication service.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Or faxed to:

703 308-9051, (for formal communication intended for entry)

Or:

(703) 305-9509 (for informal or draft communications, please label  
"PROPOSED" OR "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA. Sixth floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D Nguyen whose telephone number is (703) 605-1301. The examiner can normally be reached on 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph Nguyen



Mar. 15, 2004



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600